

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

■ DAY CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted an emergency amendment to Licensing Standards for Day Care Centers (89 IAC 407; 44 Ill Reg 11577), effective 6/24/20, amending a previous emergency rule effective 5/29/20 (44 Ill Reg 10170) for the remainder of its 150-day term. The emergency amendment clarifies staffing requirements for day care centers that have reopened during Phases III and IV of the Restore Illinois recovery plan. Qualified Early Childhood Assistants may staff classrooms for up to 3 hours per day, provided that the arrangement is documented in the center's written staffing plan. Also, Early Childhood Teachers employed between 3/20 and 5/29/20 by an existing day care center that was operating under an Emergency Day Care license may continue to

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

work in that capacity for the same center through 7/31. Licensed day care centers are affected by this emergency amendment.

Questions/requests for copies:
Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, DCFS.Policy@illinois.gov

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Proposed Rulemakings

STUDENT LOANS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed a new Part titled Student Loan Servicing Rights Act (38 IAC 1010; 44 Ill Reg 11368) implementing provisions of the Act (PA 100-540) that license and regulate private servicers of student loans. An application fee of \$1,000 and a background investigation fee of \$800 must be paid upon initial application for a license, and an additional \$1,000 fee upon each renewal. Other fees include \$500 to request a hearing (may be waived in cases of financial hardship), \$510/day for examinations, \$500 for notices of change of ownership/control and \$50 for notices of change in officers/directors. Licensees must maintain secured-access websites and toll-free telephone

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Adopted Rules

■ NUISANCE ANIMALS

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Nuisance Wildlife Control Permits (17 IAC 525; 44 Ill Reg 5580) effective 6/29/20 that extend the requirement for a Class A nuisance wildlife removal permit to providers of bat exclusion or eviction services. The rulemaking also allows holders of nuisance wildlife control permits to

carry electronic or digital copies of the permit for presentation upon request of any peace officer or employee of DNR.

HUNTING SEASONS

DNR also adopted, effective 6/29/20 its annual updates to the following Parts: General Hunting and Trapping on Department-Owned or –Managed Sites (17 IAC 510; 44 Ill Reg 5572); Duck,

Goose, and Coot Hunting (17 IAC 590; 44 Ill Reg 5589); White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 44 Ill Reg 5634); White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 44 Ill Reg 5640), Special White-Tailed Deer Season for Disease Control (17 IAC 675; 44 Ill Reg 5660); Late-Winter Deer Hunting Season (17 IAC 680; 44 Ill Reg 5665); and

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Emergency Rules

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■ DRIVING SCHOOLS

The SECRETARY OF STATE adopted an emergency amendment to Commercial Driver Training Schools (92 IAC 1060; 44 Ill Reg 11610) effective 6/25/20, amending a previous emergency rule (44 Ill Reg 10021) that was effective 5/21/20 for the remainder of its 150-day term. The previous emergency rule established conditions under which commercial driver training schools may offer virtual and in-person classroom instruction, as well as behind the wheel instruction, during Phases III and IV of Restore Illinois. This emergency amendment extends the Phase IV conditions (e.g., face coverings for instructors and students, use of hand sanitizer, social distancing) through 12/31/20 or until Phase V (return to pre-pandemic conditions) is achieved, whichever occurs first. Commercial driver training schools and their students are affected by this emergency amendment.

SOS RULES REPEAL

SOS repealed the following emergency rules by emergency rulemaking effective 6/30/20: Procedures and Standards (92 IAC 1001; 44 Ill Reg 5824 and 6634), Certificates of Title, Registration of Vehicles (92 IAC 1010; 44 Ill Reg 5831 and 6641), Issuance of Licenses (92 IAC 1030; 44 Ill Reg 5839 and 6650), and Rules of the Road – Persons with Disabilities Parking Program (92 IAC 1100; 44 Ill Reg 5847 and 6658). These actions repeal emergency rules, effective 3/17/20 and amended on 4/9/20, that had, for the duration of the COVID-19 Gubernatorial Disaster Proclamations plus 90 days, suspended administrative hearings under the Illinois Vehicle Code (Part 1001); suspended expiration of driver's licenses, instruction permits, other driving permits, and identification cards (Part 1030); and extended the validity of vehicle registration plates and stickers (Part 1010) and disability parking decals (Part

1100). SOS also repealed, effective 6/30/20, emergency amendments to the Part titled Merit Commission (80 IAC 50; 44 Ill Reg 5820 and 6630) that had been effective 3/17/20 and 4/9/20. The repealed emergency amendments had suspended all hearings conducted under the Secretary of State Merit Employment Code (concerning SOS personnel matters) for the duration of the COVID-19 Disaster Proclamations plus 90 days. SOS states that these emergency rules have been repealed so that new emergency rules in accordance with Public Act 101-640 (which clarifies the conditions under which SOS may extend the validity of licenses, permits, decals, etc. during the COVID-19 pandemic) may be adopted.

Questions/requests for copies of the 6 SOS emergency rules: Brenda Glahn, SOS, 298 Howlett Bldg., Springfield IL 62756, bglahn@ilsos.gov

Proposed Rulemakings

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service numbers through which they can communicate with borrowers regarding their existing loans. Licensees also must provide complete information to borrowers about alternative repayment and loan forgiveness options, how to apply for these options, and explaining the difference between forgiveness (waiving payment of all or part of a loan) and forbearance (postponing or reducing payments). Other provisions outline requirements for recordkeeping, notices to borrowers, payment processing, audit reports, and periodic examinations by DFPR. Examinations will rate licensees on a scale of 1 (fully compliant) to 5 (critically deficient). Those affected by this rulemaking include private student loan servicers/ issuers and their customers.

■ MONEY TRANSMITTERS

DFPR also proposed an amendment to the Part titled Transmitters of Money Act (38 IAC 205; 44 Ill Reg 11364) establishing in rule a fee schedule for businesses licensed under the Act (e.g., currency exchanges) to transmit funds electronically. Initial application fees are \$2,500. For licensees that report \$1 million or less in total transactions in the previous year, the annual license renewal fee is \$1,000. For licensees reporting transactions of more than \$1 million and up to \$10 million, the renewal fee is \$1,000 plus .0004 of the amount exceeding \$1 million. Licensees

with more than \$10 million and up to \$100 million in transactions pay a renewal fee of \$4,600 plus .0002 of the amount exceeding \$10 million. Licensees with more than \$100 million in transactions pay a renewal fee of \$22,600 plus .0001 of the amount exceeding \$100 million, up to a maximum fee of \$50,000. A penalty of \$50 per day will be charged for each day that a renewal application or required annual financial statement is received after the December 1 deadline, unless DFPR has approved an extension of time. All fees are nonrefundable. Small businesses that handle money transmissions are affected.

Questions/requests for copies/ comments on the 2 DFPR rulemakings through 8/24/20: Craig Cellini, DFPR, 320 W. Washington St., Springfield IL 62786, 217/785-0813, fax 217/ 557-4451.

INSURANCE

The DEPARTMENT OF INSURANCE proposed a new Part titled Medical Necessity Criteria for Serious Mental Illnesses for Individuals Under the Age of 26 (50 IAC 2035; 44 Ill Reg 11378) implementing Public Act 101-461. The new Part establishes the medical necessity criteria to be used by individual or group health insurance coverage, HMO plans, and self-insured benefit plans offered to employees of the State, counties, municipalities, and school districts when reviewing claims for treatment of serious mental illness

in persons under age 26. Provisions for coverage of Assertive Community Treatment (ACT), Community Support Team (CST) Treatment, and Coordinated Specialty Care (CSC) for First Episode Psychosis Treatment are included. Medical necessity determinations for service initiation and continuing coverage will be based on the individual's diagnosis, severity of illness, effectiveness of treatment, non-effectiveness of less intensive treatment, and other factors. Those affected by this rulemaking include persons with health insurance claims for themselves or a family member with serious mental illness.

Questions/requests for copies/ comments through 8/24/20: Robert Planthold, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/814-5445, or Susan Anders at the DOI address below.

PENSION FUNDS

DOI also proposed a new Part titled Tie Breaking when Conducting and Adminstrating a Board of Trustee Election (50 IAC 4451; 44 Ill Reg 11394) establishing procedures for breaking a tie vote between two or more candidates for the board of trustees of the Police Officers' Pension Investment Fund or the Firefighters' Pension Investment Fund (which manage pension investments for downstate police and fire departments). The tie

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Adopted Rules

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Youth Hunting Seasons (17 IAC 685; 44 Ill Reg 5670). Amendments to Part 510 implement an electronic check-in system that will be used, on a pilot basis, on State-owned sites that require hunters to sign in and out. Amendments to Part 685 provide that youth deer hunt permits will be valid statewide on a pilot basis and allow the holder to hunt in any open counties, on property where permission to hunt has been granted. The pilot program will continue until 1/1/23, after which the results will be assessed, and DNR will determine whether to continue or terminate statewide youth deer hunts. Amendments to the remaining Parts implement site-specific changes to procedures, bagging limits, and conforming changes related to the youth hunt. Those affected by these rulemakings may include outfitters and owners of hunting properties.

Questions/requests for copies of the 8 DNR rulemakings: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702, 217/557-6379.

HIGHER ED GRANTS

The BOARD OF HIGHER EDUCATION adopted amendments to General Grant Programs (23 IAC 1001; 44 Ill Reg 3799) effective 6/24/20, aligning BHE's grant rules with the requirements of the Grant Accountability and Transparency Act (GATA). The rulemaking adds definitions; references GATA rules regarding recipient qualification, use of uniform grant agreements, interest earned, audit requirements, and post-award requirements; and removes provisions that are now included in the uniform grant agreements prescribed by GATA. BHE also adopted amendments to Nurse Educator Fellowship Program (23 IAC 1105; 44 Ill Reg 5562) and Illinois Cooperative Work Study Program (23 IAC 1015; 44 Ill Reg 4109) effective 6/24/20, incorporating requirements of GATA into its grant programs for nursing educators and college/university cooperative work study programs. Provisions for accounting, grant agreements, post-award procedures, and clarification of the recipient's responsibilities are included.

TEACHER EDUCATION

BHE adopted amendments to the Part titled Grow Your Own Teacher Grants (23 IAC 1085; 44 Ill Reg 4120) effective 6/24/20 implementing Public Act 101-122 and provisions of GATA. The rulemaking transfers responsibility for program administration, application review and grantee selection from BHE to Grow Your Own Illinois, a non-profit corporation. BHE remains responsible for allocating program funds, obtaining independent evaluations of the program, and promulgating program rules. Other provisions expand eligibility to high school students enrolled in dual credit courses and persons whose college education was not interrupted; allow graduates to earn service credit toward loan forgiveness by working in early childhood programs; and align various requirements with GATA.

Questions/requests for copies of the 4 BHE rulemakings: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701-1377, 217/557-7358, fax 217/782-8548, helland@ibhe.org

Proposed Rulemakings

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breaker must be conducted within 20 days after the election. A tie between two candidates will be decided by a coin toss. In case of a tie among three or more candidates, a random number drawing will eliminate all but two

candidates, who will then proceed to a coin toss.

Questions/requests for copies/comments through 8/24/20: Mark Thielen (217/558-4542) or Susan Anders (217/558-0957), DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767-0001.

■ ESDA REQUIREMENTS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed amendments to Political Subdivision Emergency Services and Disaster Agencies (29 IAC 301; 44 Ill Reg 11354) that will,

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Proposed Rulemakings

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upon adoption, replace current emergency amendments effective 6/8/20. This rulemaking also replaces a previous proposed rulemaking that has been withdrawn in this issue of the *Register*. The rulemaking authorizes IEMA to grant waivers from the requirements of the Part when requested by local Emergency Services and Disaster Agencies (ESDAs) or on its own initiative, provided these waivers are authorized by law and will not result in undue hazard to public health, safety or property. Additionally, local ESDAs seeking waivers from the requirement to conduct a disaster response exercise at least once every 4 years must submit documentation supporting the waiver to IEMA at least 60 days prior to submitting an application for accreditation or certification. Waiver applications from mandated ESDAs (those that the Illinois Emergency Management Agency Act requires to be established, e.g., county or multi-county ESDAs) and non-mandated accredited ESDAs will be evaluated by the IEMA State Exercise Officer and the respective Regional Coordinator. Waiver applications from non-mandated, unaccredited ESDAs shall be evaluated by the applicable county. All waiver requests will be evaluated based on criteria established by the Federal Emergency Management Agency and all approvals documented in writing. Existing ESDA accreditations, as well as certifications for non-mandated,

unaccredited ESDAs, may also be extended up to 2 years beyond the currently established 2-year term (for a total accreditation/certification term of 4 years). Small municipalities that have established non-mandated ESDAs may be affected by this rulemaking.

Questions/requests for copies/comments on the proposed rulemaking through 8/24/20: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860.

COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amendments to Administration of the Illinois Public Community College Act (23 IAC 1501; 44 Ill Reg 11303) implementing two Public Acts (100-884 and 100-1049). The rulemaking defines a cooperative agreement (between a community college and one or more other colleges, organizations, schools, or government agencies to share or obtain educational services), clarifies that “cooperative agreements” do not include collective bargaining contracts, clarifies ICCB’s authority to approve cooperative agreements, and allows community colleges to extend their course offerings or curricula into another community college district or other locations (e.g., military installations) with approval from that district and ICCB. The rulemaking also requires community colleges, upon the request of a K-12 or high

school district within its jurisdiction, to enter into a partnership agreement with that district to offer dual high school/college credit courses. It also allows high school teachers who do not meet ICCB or Board of Higher Education requirements for teaching dual credit courses to teach these courses under a professional development plan. Obsolete provisions for grants to establish new community college campuses or branches are also being removed.

Questions/requests for copies/comments through 8/24/20: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, fax 217/524-4981, matt.berry@illinois.gov

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed an amendment to Conditions of Employment (80 IAC 303; 44 Ill Reg 11294) clarifying an aspect of CMS policy regarding State employee sick leave banks (into which employees of an agency may deposit their unused sick days for use by other agency employees who have exhausted sick leave due to catastrophic illness). While the decision of an agency review committee to approve or deny a request to claim sick leave from the bank is normally final, an employee whose request is denied may submit additional medical documentation

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Second Notices

The following rulemakings have been moved to Second Notice by the agencies listed below, commencing the JCAR review period. The Liquor Control Commission rulemaking will be considered at the July 14, 2020 JCAR meeting, while the remaining rulemakings will be considered at the August 11, 2020 meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

LIQUOR CONTROL COMMISSION

The Illinois Liquor Control Commission (11 IAC 100; 43 Ill Reg 14571) proposed 12/20/19

DEPT OF NATURAL RESOURCES

The Taking of Wild Turkeys - Spring Season (17 IAC 710; 44 Ill Reg 8122) proposed 5/15/20

STATE BOARD OF EDUCATION

Voluntary Registration and Recognition of Nonpublic Schools (23 IAC 415; 44 Ill Reg 3844) proposed 3/13/20

Dismissal of Tenured Teachers under Article 24 and Dismissal of Tenured Teachers and Principals under Article 34 of the School Code (23 IAC 51; 44 Ill Reg 4546) proposed 3/20/20

Registered Apprenticeship Program (23 IAC 255; 44 Ill Reg 4533) proposed 3/20/20

Proposed Rulemakings

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to the committee, which must review this information and determine approval or denial based on the entirety of medical documentation provided.

Questions/requests for copies/comments through 8/24/20: Allison McFarlane, CMS, 401 S. Spring St., Room 720, Springfield IL 62706, 217/782-5778.

SOS RULE WITHDRAWALS

The SECRETARY OF STATE withdrew proposed amendments to Merit Commission (80 IAC 50; 44 Ill Reg 5724), Procedures and Standards (92 IAC 1001; 44 Ill Reg 5726), Certificates of Title, Registration of Vehicles (92 IAC 1010; 44 Ill Reg 5728), Issuance of Licenses (92 IAC 1030; 44 Ill Reg 5730), and Rules of the Road – Persons with Disabilities Parking Program (92 IAC 1100;

44 Ill Reg 5732) that were published in the 4/3/20 *Illinois Register*. These proposed rules included provisions of emergency rules adopted 3/17/20 (and repealed in this issue of the *Register*) that suspended SOS personnel proceedings, suspended hearings under the Illinois Vehicle Code, and extended the expiration dates of vehicle registrations, driver's licenses/permits and disability parking decals for the duration of the COVID-19 Disaster Proclamations. Revised rulemakings will be proposed at a later date.

DCFS RULE WITHDRAWAL

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES withdrew proposed amendments to Licensing Standards for Day Care Centers (89 IAC 407; 44 Ill Reg 10849) that

appeared in the 6/26/20 *Register*. The proposed rulemaking implemented updated DCFS policies for day care centers reopening during Phases III and IV of Restore Illinois. DCFS states that this proposed rulemaking is no longer consistent with its current policy as reflected in recent emergency rules. A new rulemaking will be proposed at a later date.

IEMA RULE WITHDRAWAL

The ILLINOIS EMERGENCY MANAGEMENT AGENCY withdrew proposed amendments to Political Subdivision Emergency Services and Disaster Agencies (29 IAC 301; 44 Ill Reg 10333) that appeared in the 6/19/20 *Register*. IEMA states that it filed incorrect rule text. A new version of this rulemaking appears in this week's *Register* at 44 Ill Reg 11354.